

z-2012

State Identification Number 79-12-05-426 -001.000-013

COMMITMENT

Commitment, made on April 13, 2015, by Tarbert Properties, LLC
(the "Petitioner") pursuant to Indiana Code Section 36-7-4-1015.

1. Petitioner makes this commitment as the owner (the "Owner") of certain real estate (the "Real Estate") located in Tippecanoe County, Indiana, commonly known as 2.017 acres located in the NE corner of 500 N Drive and more particularly described on Exhibit A which is attached hereto and incorporated by reference herein.

2. Petitioner has filed a request with the Area Plan Commission of Tippecanoe County, Indiana (the "APC"), to rezone the Real Estate from R1 to I3 which request is pending before the APC as case no. 2012.

3. Petitioner hereby agrees and makes the following commitment in connection with the rezoning request in case no. 2012 :

The subject real estate shall be used exclusively for any one or combination of the following: greenspace, buffering, 6'-8' berming and/or a drainage facility.

4. Petitioner understands and agrees that this commitment is given to the APC and the Dayton Town Council (the "Legislative Body") as an inducement for the recommendation for and approval of the rezoning request in case no. 2012. Petitioner further understands and agrees that the approval of the rezoning request in case no. 2012 by the Legislative Body constitutes good and valuable consideration for the giving of this commitment.

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5. This commitment shall be a covenant running with the Real Estate and binding and enforceable against Petitioner, any subsequent owner, or any other person who acquires any interest in the Real Estate. Any change or modification of this commitment shall only be made with the approval of the APC at a public hearing in accordance with all rules and regulations of the APC.

6. Petitioner agrees that each of the following shall each be a "specially affected person" under Indiana Code Section 36-7-4-1015(d)(3) who shall each independently be entitled to bring an action to enforce the terms and conditions of this commitment in the Circuit or Superior Courts of Tippecanoe County, Indiana:

- a. the APC,
- b. the Area Board of Zoning Appeals of Tippecanoe County, Indiana,
- c. the appropriate Administrative Officer designated in the Unified Zoning Ordinance for Tippecanoe County, Indiana,
- d. The Town of Dayton

By: Robert Prosser LLC
[Signature]

STATE OF INDIANA)
) SS:

COUNTY OF Marion)
Before me, the undersigned, a notary public, personally appeared John Deckard, and acknowledged the execution of the foregoing commitment on April 9, 2015.

Kathryn Kish
Resident of Marion County, notary public

My commission expires:

June 7, 2020

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

This instrument prepared by:

[Signature]

